



# City of North Port

## ORDINANCE NO. 2022-02

1           **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE UNIFIED LAND**  
2           **DEVELOPMENT CODE RELATING TO THE PERMITTED AND PROHIBITED USES IN ACTIVITY**  
3           **CENTER NUMBER 1 (MEDITERANNEA), ACTIVITY CENTER NUMBER 2 (HERON CREEK),**  
4           **ACTIVITY CENTER NUMBER 3 (GATEWAY), ACTIVITY CENTER NUMBER 4 (PANACEA),**  
5           **ACTIVITY CENTER NUMBER 5 (MIDWAY), AND ACTIVITY CENTER NUMBER 8 (THE**  
6           **GARDENS); AMENDING CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS;**  
7           **AMENDING SECTION 61-3 – DEFINITIONS AND WORD USAGE; PROVIDING FOR**  
8           **CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND**  
9           **PROVIDING AN EFFECTIVE DATE.**

10  
11           **WHEREAS**, Chapter 55 of the Unified Land Development Code lists the permitted and prohibited uses for  
12 each activity center; and

13  
14           **WHEREAS**, the City Commission of the City of North Port desires to expand permitted uses in activity  
15 center numbers 1 through 5 and 8; and

16  
17           **WHEREAS**, the City of North Port Planning and Zoning Advisory Board, designated as the Local Planning  
18 Agency, held a properly noticed public hearing on January 6, 2021, to receive public comments on these  
19 amendments to the Unified Land Development Code; and

20  
21           **WHEREAS**, the City Commission of the City of North Port held properly noticed public hearings at first and  
22 second readings of this ordinance to review the recommendations of the Planning and Zoning Advisory  
23 Board and to receive public comments on these amendments to the Unified Land Development Code; and

24  
25           **WHEREAS**, the City Commission has determined that these amendments are consistent with the North  
26 Port Comprehensive Plan and finds that these amendments serve the public health, safety, and welfare  
27 of the citizens of the City of North Port, Florida.

28  
29           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

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31           **SECTION 1 - FINDINGS**

32  
33           1.01     The above recitals are true and correct and are incorporated in this ordinance by reference.  
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35 **SECTION 2 - ADOPTION**

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2.01 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

...

**ARTICLE I. - MEDITERRANEA (Activity Center #1)**

...

**Sec. 55-15. – Permitted principal uses and structures.**

...

B. Permitted principal uses and structures shall be as follows:

...

(11) Brewpubs.

...

(16) Commercial recreation establishments.

...

(24) Hospitals.

(25) ~~(22)~~ Hotels (one hundred (100) rooms +), limited and full service.

...

(30) Light industrial establishments located in the second row.

...

(32) Microbreweries.

(33) Microdistilleries.

(34) Microwineries.

(35) Mini storage facilities (not including open or outdoor storage) located in the second row.

(36) Motels.

...

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

**Sec. 55-16. – Prohibited uses and structures.**

A. Any use or structure not expressly, or by reasonable implication, permitted herein or permitted by special exception shall be unlawful in this district, including specifically adult entertainment and exhibition establishments, adult bookstores, and any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities. Listed permitted or permissible uses do not include either as a principal or an accessory use any of the following:

...

~~(8) Manufacturing or Heavy industrial establishments or any associated activity.~~

~~(9) Mini-storage facilities.~~

83                    (9) (10) Truck stop stops.

84

85                    ~~(11) Warehouse and storage.~~

86

87                    (10) (12) Wholesale establishments.

88                    ...”

89

90    2.02    Chapter 55 of the Unified Land Development Code is amended to read as follows:

91

92                    **“CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

93                    ...

94                    **ARTICLE II. - HERON CREEK (Activity Center #2)**

95                    ...

96                    **Sec. 55-20. – Permitted principal uses and structures.**

97                    ...

98                    B. Permitted principal uses and structures shall be as follows:

99                    ...

100                    (15) Brewpubs.

101                    ...

102                    ~~(34) (33) Hotels (one hundred (100) rooms +), limited and full service.~~

103                    ...

104                    *[Insertion to appear in alphabetical order; subsections following insertion to be*  
105                    *renumbered accordingly]*

106                    ...

107

108                    **Sec. 55-22. – Prohibited uses and structures.**

109

110                    Any use or structure not expressly, or by reasonable implication, permitted herein or  
111                    permitted by special exception shall be unlawful in this district, including specifically adult  
112                    entertainment, and exhibition establishments, gaming establishments, adult bookstores, and any  
113                    other establishments whose primary purpose is to sell sexually explicit material or exhibition of  
114                    sexually explicit activities.

115

116                    A. Within all commercial general uses, the following are prohibited:

117                    ...

118                    (3) Breweries.

119

120                    ~~(4) (3) Communication tower towers.~~

121

122                    (5) Distilleries.

123

124                    *[Subsections to be renumbered accordingly]*

125                    ...

126                    (17) (13) Wholesale establishments.

127

128 (18) Wineries.

129 ...”

130

131

132 2.03 Chapter 55 of the Unified Land Development Code is amended to read as follows:

133

134 **“CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

135 ...

136 **ARTICLE III. - GATEWAY (Activity Center #3)**

137 ...

138 **Sec. 55-26. – Permitted principal uses and structures.**

139 ...

140 B. Permitted principal uses and structures shall be as follows:

141 ...

142 (3) Brewery.

143

144 (4) Brewpub.

145

146 (5) Business services.

147 ...

148 (7) Distillery.

149

150 (8) Distribution Center, except in the Northwest Quadrant.

151 ...

152 (10) Hospital.

153

154 (11) ~~(5) Hotels, (one hundred (100) rooms +) full or limited service Hotel.~~

155

156 (12) Light industrial establishments.

157 ...

158 (14) Microbrewery.

159

160 (15) Microdistillery.

161

162 (16) Microwinery.

163

164 (17) ~~(7) Motel, (one hundred (100) rooms +) full service.~~

165 ...

166 (19) Personal services.

167

168 (20) Professional services.

169 ...

170 (28) Winery.

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*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

**Sec. 55-27. – Prohibited uses and structures.**

A. Any use or structure not expressly, permitted herein or permitted by special exception shall be unlawful in this activity center, including specifically adult entertainment and exhibition establishments, adult bookstores, any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities. The following prohibited uses are listed for emphasis:

- ...  
~~(4) Distribution center.~~
- ...  
~~(8) (9) Manufacturing or Heavy industrial establishments or any associated use.~~
- ...  
*[Subsections to be renumbered accordingly]"*

2.04 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

...  
**ARTICLE IV. - PANACEA (Activity Center #4)**

...  
**Sec. 55-31. – Permitted principal uses and structures.**

- ...  
B. Permitted uses are as follows:
- ...  
(10) Brewery.
  - (11) Brewpub.
  - ...  
(22) Distillery.
  - ...  
(27) Commercial recreation establishments.
  - ...  
(35) Hospital.
  - (36) (31) Hotel, one hundred (100) rooms + (full service).
  - ...  
(44) Microbrewery.
  - (45) Microdistillery.
  - (46) Microwinery.
  - (47) (39) Mini store storage or mini warehousing.

- 219 . . .
- 220 (49) Motel.
- 221 . . .
- 222 (54) Parking and storage of construction equipment.
- 223 . . .
- 224 (76) Winery.

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

**Sec. 55-32. – Prohibited uses and structures.**

- A. Prohibited uses are as follows:
  - 233 . . .
  - 234 ~~(6) Parking and storage of construction equipment.~~
  - 235 . . .
  - 236 *[Subsections to be renumbered accordingly]”*

2.05 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

- 242 . . .
- 243 **ARTICLE V. - MIDWAY (Activity Center #5)**
- 244 . . .

**Sec. 55-36. – Permitted principal uses and structures.**

- 246 . . .
- B. Permitted uses are as follows:
  - 248 . . .
  - 249 (9) Brewpub
  - 250 . . .
  - 251 (19) Commercial recreation establishments.
  - 252 . . .
  - 253 (25) Hospital
  - 254
  - 255 ~~(26) (23) Hotel, one hundred (100) rooms +, full and limited service.~~
  - 256 . . .
  - 257 (32) Microbrewery.
  - 258
  - 259 (33) Microdistillery.
  - 260
  - 261 (34) Microwinery.
  - 262
  - 263 (35) Mini-storage facilities (not including open or outdoor storage) located in the second
  - 264 row.
  - 265 . . .

266 *[Each insertion to appear in alphabetical order; subsections following each insertion to be*  
267 *renumbered accordingly]"*

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269

270 **Sec. 55-37. - Prohibited uses and structures.**

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A. Prohibited uses are as follows:

273  
274

...  
~~(3) Adult living facility or similar uses.~~

275  
276

...  
(4) Brewery.

277  
278

...  
(6) Distillery.

279  
280

...  
~~(10) Mini-storage facilities.~~

281  
282

...  
(15) Winery.

283  
284

*[Each insertion to appear in alphabetical order; subsections following each insertion to be*  
285 *renumbered accordingly]"*

286  
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288 2.06 Chapter 55 of the Unified Land Development Code is amended to read as follows:

289  
290

**"CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

291  
292

**ARTICLE VIII. - THE GARDENS (Activity Center #8)**

293  
294

**Sec. 55-56. – Permitted principal uses and structures.**

295  
296

B. Permitted principal uses are as follows:

297  
298

...  
(4) Brewpubs.

299  
300

...  
~~(5) (4) Business offices services.~~

301  
302

...  
(13) Commercial recreation establishments.

303  
304

...  
(17) Hospitals.

305  
306

...  
(18) Hotels.

307  
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...  
(23) Microbreweries.

309  
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...  
(24) Microdistilleries.

311  
312

...  
(25) Microwineries.

313

314 (26) Mini-storage facilities (not including open or outdoor storage) located in the second  
315 row.

316  
317 (27) Motels.

318 . . .

319 (31) Personal services.

320  
321 (~~22~~32) Professional offices services.

322 . . .

323 (38) Restaurants.

324 . . .

325 *[Each insertion to appear in alphabetical order; subsections following each insertion to be*  
326 *renumbered accordingly]*

327  
328  
329 **Sec. 55-57. - Prohibited uses and structures.**

330  
331 A. Any use or structure not expressly or by reasonable implication permitted herein shall be  
332 unlawful in this district, including specifically adult entertainment and exhibition  
333 establishments, adult bookstores, and any other establishments whose primary purpose  
334 is to sell sexually explicit material or the exhibition of sexually explicit activities.

335 . . .

336 (4) Brewery.

337 . . .

338 (7) Distillery

339  
340 (6) Communication tower.

341 . . .

342 (9) Model home.

343 . . .

344 (13) Tattoo and body art establishments.

345 . . .

346 (16) Winery.

347  
348 *[Each insertion to appear in alphabetical order; subsections following each insertion to be*  
349 *renumbered accordingly]*"

350  
351  
352 2.07 Chapter 61 of the Unified Land Development Code is amended to read as follows:

353 **"Chapter 61 – DEFINITIONS**

354 . . .

355 **Sec. 61-3. Definitions and word usage.**

356 . . .

357  
358 BREWERY - An industrial use that brews ales, beers, meads, or other similar beverages onsite and  
359 manufactures more than 35,000 barrels of beverage (all combined) annually.



361 BREW PUB - A restaurant that manufactures up to 5,000 barrels of fermented malt beverages  
362 onsite per year for consumption.

363 . . .

364 COMMERCIAL RECREATION ESTABLISHMENT- A recreational facility operated as a business and  
365 open to the public for a fee, such as a golf driving range, baseball batting cage, and trampoline  
366 park.

367 . . .

368 DISTILLERY - An industrial use that distills spirits or other similar beverages onsite and  
369 manufactures more than 75,000 gallons of beverage (all combined) per year.

370  
371 DISTRIBUTION CENTER - A facility used for the temporary storage of goods for order fulfillment  
372 before they are transported to stores or customers.. . .

373  
374 INDUSTRIAL, HEAVY — Uses engaged in the basic processing and manufacturing of materials or  
375 products predominately from extracted or raw materials, or a use engaged in storage of, or  
376 manufacturing processes using flammable or explosive materials, or storage or manufacturing  
377 processes that potentially involve hazardous conditions. "Heavy Industrial" shall also mean those  
378 uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or  
379 work processes involving solvents, solid waste or sanitary waste transfer stations, recycling  
380 establishments, truck terminals, public works yards, and container storage. Any industrial process  
381 that can cause significant noise, odor, or vibration detectable beyond the parcel on which it is  
382 located; requires the storage of component materials within public view; and is conducted  
383 partially or entirely outdoors.

384  
385 INDUSTRIAL, LIGHT — A use that involves the manufacturing, production, processing, fabrication,  
386 assembly, treatment, repair, or packaging of finished products, predominantly from previously  
387 prepared or refined materials (or from raw materials that do not need refining). Warehousing,  
388 wholesaling, and distribution of the finished products produced at the site is considered light  
389 industrial. Any industrial process that stores all needed materials outside of public view and that  
390 does not create and emit fumes, gases, smokes, vibrations, noise, or other factors regarded as  
391 nuisances or resulting in adverse effects for adjacent landowners. This includes activities involving  
392 the warehousing, wholesaling, and distribution of finished products produced at onsite.

393 . . .

394 MEDICAL - Of, relating to, or concerned with physicians or the practice of medicine, or treatment  
395 or prevention of illnesses and injury excluding hospitals, adult care facilities, and pain  
396 management clinics.

397 . . .

398 MICROBREWERY - A facility for the production and packaging of malt beverages of low alcoholic  
399 content for distribution, retail, or wholesale, on or off premises, with a capacity of not more than  
400 35,000 barrels per year. It must include space for onsite consumption.

401  
402 MICRODISTILLERY - A facility for the production of spirits for the distribution, retail, or wholesale,  
403 on or off premises, with a capacity of no more than 75,000 gallons of spirits per year.

404  
405 MICROWINERY - A facility for the production of wine for distribution, retail, or wholesale, on or  
406 off premises, with a capacity of no more than 2,000 barrels of wine per year.

407 . . .

408 SECOND ROW - Property that is a distance greater than 250 feet from an arterial or collector  
409 roadway.

411 WINERY - An industrial use that produces wine or other similar beverages onsite and  
412 manufactures more than 2,000 barrels of wine per year.

413 . . .  
414 *[Each insertion to appear in alphabetical order]*"

415  
416 **SECTION 3 – CONFLICTS**

417  
418 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in  
419 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

420  
421 **SECTION 4 – SEVERABILITY**

422  
423 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,  
424 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be  
425 deemed a separate, distinct, and independent provision and will not affect the validity of the  
426 remaining portions of the ordinance.

427  
428 **SECTION 5 – CODIFICATION**

429  
430 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any  
431 additional codification information and notations appear in *italics*. These editorial notations shall  
432 not appear in the codified text.

433  
434 **SECTION 6 – EFFECTIVE DATE**

435  
436 6.01 This ordinance shall take effect immediately upon adoption.

437  
438  
439 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public  
440 session on January 11, 2022.

441  
442 PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final  
443 reading in public session on January 25, 2022.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
PETE EMRICH  
MAYOR

ATTEST

\_\_\_\_\_

HEATHER TAYLOR, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON  
CITY ATTORNEY